



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

May 5, 2005

DONALD J. LEWIS, JOHN O. MICHELINI,  
MICHAEL J. CULLEN and JOHN D. RUSSELL

Serial No. : 10/805,606 Group Art Unit: 3747  
Filed : March 19, 2004 Examiner: Erick R. Solis  
For : IMPROVED ENGINE BREATHING IN AN ENGINE WITH  
MECHANICAL AND ELECTROMECHANICAL VALVES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56, 1.97, 1.98**

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98, the following patents, publications, applications, and/or other information are being submitted and disclosed to the Office, including those listed on the enclosed Form PTO-1449, for consideration by the Examiner.

Applicants respectfully request that the disclosed information be made of record and expressly considered by the Examiner during examination of the pending application. Further, Applicants respectfully request that the disclosed items be listed on the face of any patent issuing from the pending application in the "references cited" column.

In accordance with 37 C.F.R. § 1.97 (g), the present information disclosure statement is not a representation that a search has been made.

In accordance with 37 C.F.R. § 1.97 (h), the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, material to patentability.

In accordance with MPEP § 609, Applicants respectfully request that if the present application is a continuing application, all information considered by the Office in the parent application be considered in the present application, although it need not be listed on the face of the patent unless resubmitted in this or another information disclosure statement filed in this application.

Finally, the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, prior art.

**BASIS FOR CONSIDERATION BY THE OFFICE UNDER 37 C.F.R. § 1.97**

37 C.F.R. § 1.97(c)

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief, before the mailing of any of: a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application.

Applicants certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Applicants certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

OR

A check in the amount of \_\_\_\_\_ is enclosed.

Please charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account \_\_\_\_\_.

**CONTENT OF INFORMATION DISCLOSURE STATEMENT 37 C.F.R. § 1.98**

The present information disclosure statement includes any information noted above, along with a Form PTO-1449 (3 pages).

If applicable, a legible copy of the following is being included:

- (1) Each publication (identified by published, author (if any), title, relevant pages of the publication , date, and place of publication).

If there are any questions regarding this submission, please contact the undersigned.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 5, 2005.



Lauren Barberena

Respectfully submitted,  
ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP



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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

### Complete if Known

Application Number	10/805,606
Filing Date	March 19, 2004
First Named Inventor	Donald J. Lewis
Art Unit	3747
Examiner Name	Erick Solis
Attorney Docket Number	81100233

### U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 3,865,088	02-11-1975	Links	
		US- 4,976,228	10-13-1989	Kawamura	
		US- 5,190,013	01-10-1992	Dozier	
		US- 5,442,515	11-23-1994	Wallaert	
		US- 5,617,829	11-20-1995	Bidner et al	
		US- 5,930,992	08-03-1999	Esch et al	
		US- 5,957,095	09-28-1999	Kako	
		US- 6,050,231	04-18-2000	Tisch et al	
		US- 6,109,225	08-29-2000	Ogita et al	
		US- 6,178,934	11-04-1999	Hirawawa et al	
		US- 6,192,857	02-27-2001	Shimada	
		US- 6,202,608	03-20-2001	Yamaki et al	
		US- 6,216,652	03-27-2000	Gramann et al	
		US- 6,333,843	12-15-2000	Boie et al	
		US- 6,363,907	10-11-2000	Arai et al	
		US- 6,367,437	03-02-2001	Nakamura et al	
		US- 6,374,783	04-23-2002	Toriumi	
		US- 6,382,193	11-20-2000	Hori et al	
		US- 6,389,806	05-21-2002	Glugla et al	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet 2 of 3

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 6,397,813	06-04-2002	Han et al	
		US- 6,401,684	12-15-2000	Hori et al	
		US- 6,415,601	07-09-2002	Glugla et al	
		US- 6,460,500	09-11-2000	Ooyana et al	
		US- 6,505,113	10-22-2000	Eichensener et al	
		US- 6,526,745	11-24-2000	Ogiso	
		US- 6,546,910	03-19-2001	Tanaka et al	
		US- 6,553,961	4-29-2003	Hammoud et al	
		US- 6,637,386	10-28-2003	Murata et al	
		US- 6,647,947	03-12-2002	Boyer et al	
		US- 6,736,121	06-04-2002	Surnilla	
		US- 2002/0038541	04-04-2002	Surnilla et al	
		US- 2003/0106515	06-12-2003	Kondo	
		US- 2004/0206068	10-21-2004	Michelini	
		US-			

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<i>(Use as many sheets as necessary)</i>			
Sheet	3	of	3
		<b>Attorney Docket Number</b>	
		<b>81100233</b>	

## NON-PATENT LITERATURE DOCUMENTS

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